



House of Representatives

General Assembly

File No. 111

February Session, 2016

Substitute House Bill No. 5303

House of Representatives, March 22, 2016

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING CHILDHOOD OBESITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) For the purposes of
2 this section:

3 (1) "Child care center" has the same meaning as provided in section
4 19a-77 of the general statutes.

5 (2) "Group child care home" has the same meaning as provided in
6 section 19a-77 of the general statutes.

7 (3) "Early childhood center" means any child care facility or early
8 childhood learning program located in or associated with a local or
9 regional board of education.

10 (b) No child care center, group child care home or early childhood
11 center may provide beverages with added sweeteners, whether
12 artificial or natural, to children under the care of such center or home,

13 except that milk, flavored milk drinks, yogurt drinks and nondairy
14 milk drinks may be provided to children under the care of such center
15 or home.

16 (c) No child care center, group child care home or early childhood
17 center may provide juice to any child under the age of one year in the
18 care of such center or home. A child care center, group child care home
19 or early childhood center may provide juice to children one year of age
20 or older in the care of such center or home, provided the juice is one
21 hundred per cent fruit juice, vegetable juice or combination of such
22 juices, and contains no added sugars, sweeteners or artificial
23 sweeteners.

24 (d) The provisions of subsections (b) and (c) of this section shall not
25 apply to a child care center, group child care home or early childhood
26 center that provides a beverage to a child in the care of such center or
27 home if such center or home has received such beverage from the
28 parent or guardian of such child.

29 (e) Each child care center, group child care home and early
30 childhood center shall make potable drinking water available and
31 easily accessible to children in the care of such center or home
32 throughout the day, including at all meals.

33 Sec. 2. Section 10-203a of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2016*):

35 (a) Not later than January 1, 2007, the Department of Education shall
36 (1) develop guidelines for addressing the physical health needs of
37 students in a comprehensive manner that coordinates services,
38 including services provided by municipal parks and recreation
39 departments, and (2) make available to each local and regional board
40 of education a copy of the guidelines. The department shall develop
41 the guidelines after consultation with (A) the chairpersons and ranking
42 members of [(i)] the joint standing [committee] committees of the
43 General Assembly having cognizance of matters relating to education
44 [, and (ii) the select committee of the General Assembly having

45 cognizance of matters relating to] and children, (B) at least one state-
46 wide nonprofit organization with expertise in child wellness or
47 physical exercise, and (C) the Connecticut Recreation and Parks
48 Association. The guidelines shall not be deemed to be regulations, as
49 defined in section 4-166. Local and regional boards of education may
50 establish and implement plans based on the guidelines in accordance
51 with subsection (c) of this section.

52 (b) The guidelines shall include, but need not be limited to: (1) Plans
53 for engaging students in daily physical exercise during regular school
54 hours and strategies for engaging students in daily physical exercise
55 before and after regular school hours in coordination with municipal
56 parks and recreation departments, (2) strategies for coordinating
57 school-based health education, programs and services, (3) procedures
58 for assessing the need for community-based services such as services
59 provided by school-based health clinics, municipal parks and
60 recreation departments, family resource centers and after-school
61 programs, and (4) procedures for maximizing monetary and other
62 resources from local, state and federal sources to address the physical
63 health needs of students. On and after April 1, 2017, such guidelines
64 shall include strategies for engaging students enrolled in after-school
65 programs in a minimum of twenty consecutive minutes of physical
66 activity each day.

67 (c) Not later than April 1, 2007, each local and regional board of
68 education may (1) establish a comprehensive and coordinated plan to
69 address the physical health needs of students, and (2) base its plan on
70 the guidelines developed pursuant to subsection (a) of this section. The
71 board may implement such plan for the 2007-2008 school year and
72 may have a plan in place for each school year thereafter.

73 Sec. 3. Section 10-221o of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective October 1, 2016*):

75 (a) Each local and regional board of education shall require each
76 school under its jurisdiction to (1) offer all full day students a daily
77 lunch period of not less than twenty minutes, and (2) include in the

78 regular school day for each student enrolled in [elementary school]
79 preschool through fifth grade time devoted to physical exercise of not
80 less than twenty consecutive minutes in total, except that a planning
81 and placement team may develop a different schedule for a child
82 requiring special education and related services in accordance with
83 chapter 164 and the Individuals With Disabilities Education Act, 20
84 USC 1400 et seq., as amended from time to time. In the event of a
85 conflict with this section and any provision of chapter 164, such other
86 provision of chapter 164 shall be deemed controlling.

87 (b) (1) Not later than October 1, 2013, each local and regional board
88 of education shall adopt a policy, as the board deems appropriate,
89 concerning the issue regarding any school employee being involved in
90 preventing a student from participating in the entire time devoted to
91 physical exercise in the regular school day, pursuant to subsection (a)
92 of this section, as a form of discipline. For purposes of this section,
93 "school employee" means [(1)] (A) a teacher, substitute teacher, school
94 administrator, school superintendent, guidance counselor,
95 psychologist, social worker, nurse, physician, school paraprofessional
96 or coach employed by a local or regional board of education or
97 working in a public elementary, middle or high school; or [(2)] (B) any
98 other individual who, in the performance of his or her duties, has
99 regular contact with students and who provides services to or on
100 behalf of students enrolled in a public elementary, middle or high
101 school, pursuant to a contract with the local or regional board of
102 education.

103 (2) Not later than January 1, 2017, the governing council of each
104 local and state charter school shall adopt a policy concerning school
105 employees being involved in preventing a student from participating
106 in the entire time devoted to physical exercise in the regular school
107 day, pursuant to subsection (a) of this section, as a form of discipline.
108 The policy adopted pursuant to this subdivision shall only apply to
109 school employees employed by a local or state charter school.

110 Sec. 4. Section 10-221u of the general statutes is repealed and the

111 following is substituted in lieu thereof (*Effective October 1, 2016*):

112 (a) Not later than October 1, 2013, each local and regional board of
113 education shall adopt a policy, as the board deems appropriate,
114 concerning the issue regarding any school employee being involved in
115 requiring any student enrolled in grades kindergarten to twelve,
116 inclusive, to engage in physical activity as a form of discipline during
117 the regular school day. For purposes of this section, "school employee"
118 means (1) a teacher, substitute teacher, school administrator, school
119 superintendent, guidance counselor, psychologist, social worker,
120 nurse, physician, school paraprofessional or coach employed by a local
121 or regional board of education or working in a public elementary,
122 middle or high school; or (2) any other individual who, in the
123 performance of his or her duties, has regular contact with students and
124 who provides services to or on behalf of students enrolled in a public
125 elementary, middle or high school, pursuant to a contract with the
126 local or regional board of education.

127 (b) Not later than January 1, 2017, the governing council of each
128 local and state charter school shall adopt a policy concerning school
129 employees being involved in requiring any student enrolled in
130 kindergarten through twelfth grade to engage in physical activity as a
131 form of discipline during the regular school day. The policy adopted
132 pursuant to this subsection shall only apply to school employees
133 employed by a local or state charter school.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	10-203a
Sec. 3	<i>October 1, 2016</i>	10-221o
Sec. 4	<i>October 1, 2016</i>	10-221u

KID *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes a number of procedural changes, which have no fiscal impact, including: (1) the types of beverages that certain child care facilities may serve to children, (2) guidelines on minimum levels of physical activity in after-school programs and physical activity in preschool programs, and (3) requirements on the use of exercise in charter schools.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5303*****AN ACT CONCERNING CHILDHOOD OBESITY.*****SUMMARY:**

This bill:

1. restricts the types of beverages that certain child care facilities may serve to children in their care;
2. requires the state Department of Education (SDE) to develop guidelines on minimum levels of physical activity in after-school programs;
3. requires students in preschool through grade 5 to devote 20 consecutive minutes daily to physical activity; and
4. extends to local and state charter schools, requirements on the use of exercise as discipline that now apply to public schools.

It also makes technical changes.

EFFECTIVE DATE: October 1, 2016

BEVERAGES SERVED IN CHILD CARE FACILITIES

The bill bars child care centers, group child care homes, and early childhood centers from providing children in their care with beverages containing added artificial or natural sweeteners. The prohibition does not apply to milk, flavored milk drinks, yogurt drinks, or non-dairy milk drinks.

It prohibits these centers and homes from providing juice to children younger than age one. It allows them to provide juice to children age one and older, provided it (1) is 100% fruit juice, vegetable

juice, or a combination of these and (2) does not contain any added sugars, sweeteners, or artificial sweeteners.

The bill's restrictions do not apply to a center or home that provides a child with an otherwise prohibited beverage that it received from the child's parent or guardian.

The bill also requires children in these facilities to have easy access to potable drinking water throughout the day, including at all meals.

By law, a child care center provides supplementary care on a regular basis to at least 12 children outside their own homes. A group child care home provides a program of supplementary care (1) to between seven and 12 unrelated children on a regular basis or (2) that meets the definition of a family day care home but does not operate in a private family home.

Under the bill, an early childhood center is a child care facility or early childhood learning program located in or associated with a school board. (Presumably, the center is located in a public school, not in a school board.)

PHYSICAL EXERCISE IN AFTER-SCHOOL PROGRAMS

By law, SDE must develop guidelines for, among other things, engaging students in daily physical exercise (1) during regular school hours and (2) before and after regular school hours in coordination with municipal parks and recreation departments. Starting April 1, 2017, the bill requires these guidelines to include strategies for engaging students in after-school programs in at least 20 consecutive minutes of daily physical activity.

TWENTY MINUTES OF CONSECUTIVE PHYSICAL EXERCISE

Current law requires school boards to include at least 20 minutes of physical exercise in the regular school day for each elementary school student. The bill specifies that the time devoted to exercise be 20 consecutive minutes and applies this requirement to students in preschool through grade 5 instead of in elementary school. The bill

thus (1) expands the exercise requirement to preschool students in those schools that serve preschoolers and (2) eliminates this exercise requirement for students in grade 6 in elementary schools that include that grade.

CHARTER SCHOOLS

The law requires school boards to adopt policies on school employees, as a form of discipline, (1) preventing a student from participating for the entire time devoted to physical exercise or (b) requiring a student in grades K-12 to engage in physical activity.

The bill requires charter school governing councils, by January 1, 2017, to adopt similar policies for local and state charter school employees.

BACKGROUND

Nutrition Guidelines for Child Care Facilities

State agency regulations require child care centers and group day care homes to provide nutritionally adequate meals to children who are at the facilities for at least five hours and nutritious snacks for children who stay less than five hours (Conn. Agencies Regs. § 19a-79-6a).

The U.S. Department of Agriculture's Child and Adult Care Food Program provides cash assistance for nutritious meals and snacks provided to infants and children in nonresidential licensed child care centers, including emergency shelters and at-risk afterschool care programs. The program serves children ages 12 and younger, children (ages 15 and younger) of migrant workers, and children of any age with disabilities. Cash assistance is available for up to two meals and one snack, or one meal and two snacks daily for each child. All meals and snacks must meet the requirements of the program's meal patterns for children and infants (7 CFR 226.20).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 10 Nay 3 (03/08/2016)